

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**JASON HAWTHORNE,
MICHAEL DAVIS,
CHAD WINTERS,
KENNY DOFNER,
GREGORY STANEK and
BRADFORD WINNIE,**

Defendants.

8:09CR81

ORDER

This matter is before the court on the motions to extend time in which to file pretrial motions by defendants Jason Hawthorne (Hawthorne) (Filing No. 57), Michael Davis (Davis) (Filing No. 61), Chad Winters (Winters) (Filing No. 64), Kenny Dofner (Dofner) (Filing No. 58) and Bradford Winnie (Filing No. 62). Defendants seek an additional sixty (60) days in which to file pretrial motions in accordance with the progression order. Counsel represent that government's counsel has no objection to the motions. Contingent upon the filing of the affidavits required by Paragraph 9 of the progression order (Filing No. 45), the motions will be granted **as to all defendants**.

IT IS ORDERED:

1. The motions to extend (Filing Nos. 57, 61, 64, 58, and 62) are provisionally granted. Each moving defendant shall file his affidavit required by Paragraph 9 of the progression order **on or before April 21, 2009.**

2. **All defendants** are given until **June 18, 2009**, in which to file pretrial motions in accordance with the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **April 15, 2009 and June 18, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 15th day of April, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge